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hazardous and hostile work environment from 2007 to 2011. As a result, he sustained stress, anxiety, depression and gastrointestinal symptoms. Appellant did not stop work.

Appellant alleged various incidents involving his superiors. In March 2007, Gary A. Dinehart, a former supervisor,^[2] instructed him to reuse cloth while cleaning restrooms. In October 2007, he gave appellant a substandard job performance rating on the grounds that his collateral work as coordinator for training, supplies and emergency first responder services interfered with his primary duties. Near the end of 2007, Mr. Dinehart required him to attend one-on-one counseling sessions three to four times per week. In 2008 he failed to provide appellant with protective equipment and a decontamination shower during a project to remove lead-based paint from the exterior of the Truman Home; ordered him to remove the roll bar safety feature of a zero-turn riding mower; advised him that hearing protection was unnecessary because he was not exposed to loud noise for prolonged periods; and intentionally shook the ladder or scaffolding on which he stood while washing or repairing storm windows. In addition, Mr. Dinehart denied a request for work time dedicated to drafting a new Integrated Pest Management Plan (hereinafter "IPM"), assigned work at the Truman Farm, and required appellant to transport his personal all-terrain vehicle and care for his dogs while he was out of town.

In the middle of 2008, appellant was placed in charge of the environmental management systems audit by Larry Villalva, the superintendent. During the audit, he came across a 30-gallon container filled with an unknown chemical. Appellant advised Mr. Villalva to safely dispose of the container, but later found it emptying into a storm drain near the bottom of a driveway. Despite this and other violations, Mr. Villalva remarked that he would report a clean audit. Sometime in 2008, appellant was asked by a coworker to attest to a grievance, but was warned by Mr. Villalva that he was not entitled to whistleblower protection. At a separate meeting, he was reminded that he was an at-will employee. In early 2009, appellant informed Mr. Villalva that asbestos was discovered during installation of an air, heating, and fire suppression system at the Truman Home and that the contractors on site worked in confined spaces. He was later ordered to paint over the asbestos and "stay away." Since 2009 Mr. Villalva frequently chided appellant for raising job-related concerns. He also attempted to cast blame on appellant for June 2009 and June 2011 IPM violations committed by staff members who utilized unapproved pesticides and pest control equipment.^[3] Near the end of the 2010 fiscal year, appellant was assigned the task of preparing a disaster shelter. He exceeded the allotted \$500.00 budget by \$40.00 and was scolded by Mr. Villalva. On May 17, 2011 appellant was involved in a motor vehicle collision while driving an employer-issued vehicle at the Truman Farm. He was berated by Mr. Villalva for admitting fault and incurring significant costs at the expense of the employing establishment.

On August 11, 2011 appellant attempted to submit a Form CA-2 to Mr. Villalva, but was told to leave paperwork with Greg Wolcott, a supervisor, and "[not to] expect any kind of turn around on this." When he tried to leave the office after giving the form to Mr. Wolcott, Mr. Villalva blocked his exit, forcing him to squeeze his way through. Appellant was followed closely by Mr. Villalva until he was off the premises. His keys, cellular phone and purchasing authority were subsequently revoked.

In an August 19, 2011 statement, Mr. Wolcott advised that he began working at the employing establishment on February 1, 2010 and lacked knowledge of any events occurring prior to that date. Following the May 17, 2011 motor vehicle collision, he recalled that Mr. Villalva warned appellant that accidents depleted the employing establishment's finances and hindered its ability to complete projects. Regarding the August 11, 2011 altercation, Mr. Wolcott stated that appellant entered Mr. Villalva's office, demanded a meeting and stormed out when Mr. Villalva did not agree.

Mr. Villalva then followed appellant after he submitted the Form CA-2 to ensure that he was not harassing other employees.[4]

In an August 19, 2011 statement, Mr. Villalva acknowledged that he once cited whistleblower provisions to explain their scope of coverage, criticized appellant for overspending the funds allocated for the disaster shelter, discussed the negative impact of the automobile accident on the employing establishment's operations, escorted him out of the building on August 11, 2011 and collected his work keys. Mr. Villalva commented that he had no knowledge of appellant's problems with Mr. Dinehart and denied all other allegations.[5]

OWCP informed appellant in an October 20, 2011 letter that additional evidence was needed to establish his claim. It gave him 30 days to submit additional factual evidence to corroborate the occurrence of the alleged incidents and a medical report from a physician explaining how compensable factors of employment caused or contributed to an emotional condition.

An April 8, 2011 note from Dr. Russell J. Thornton, an osteopath and general practitioner, stated that appellant was treated for depression, anxiety and irritable bowel syndrome. In a Form WH-380 Certification of Health Care Provider dated June 21, 2011, Christopher Moon, a licensed professional counselor, diagnosed ongoing episodes of generalized anxiety disorder and mood disorder necessitating weekly psychotherapy.

In a November 2, 2011 statement, Mr. Dinehart remarked that he told appellant that he did not need to wear hearing protection because he was only exposed to low-decibel noise. He was assigned sporadic work at the Truman Farm during the summer, such as mowing and repairs. Mr. Dinehart denied all other allegations.

By decision dated December 22, 2011, OWCP denied appellant's claim, finding the evidence insufficient to establish compensable factors of employment.

Counsel requested a telephonic hearing, which was held on March 21, 2012. Appellant testified that he still worked at the Harry S. Truman National Historic Site and that the work environment improved with the arrival of a new supervisor.

In a March 19, 2009 report, Dr. John Anthony Woltjen, a Board-certified gastroenterologist, related that appellant complained of nausea and diarrhea. In medical records dated February 12, 2008 to August 5, 2011, Dr. Thornton noted that he experienced stress at work and diagnosed generalized anxiety disorder, major depressive affective disorder, irritable bowel syndrome, esophageal reflux, hyperlipidemia and elevated blood pressure, *inter alia*.

On May 11, 2012 an OWCP hearing representative affirmed the December 22, 2011 decision.

LEGAL PRECEDENT

To establish a claim that he or she sustained an emotional or stress-related condition in the performance of duty, an employee must submit: (1) factual evidence identifying employment factors or incidents alleged to have caused or contributed to the condition; (2) medical evidence establishing that he or she has an emotional or stress-related disorder; and (3) rationalized medical opinion evidence establishing that the identified compensable employment factors are causally related to the condition. If a claimant implicates a factor of employment, OWCP should determine whether the evidence of record substantiates that factor. Allegations alone are insufficient to establish a factual

Counsel contends on appeal that the May 11, 2012 decision was contrary to fact and law. The Board has already addressed the deficiencies of appellant's claim.

Appellant may submit new evidence or argument as part of a formal written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant did not establish that he sustained an emotional condition while in the performance of duty.

ORDER

IT IS HEREBY ORDERED THAT the May 11, 2012 decision of the Office of Workers' Compensation Programs be affirmed.

Issued: March 1, 2013
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board

[1] 5 U.S.C. § 8101.2 *seq.*

[2] The case record indicates that Mr. Dinehart left the employing establishment sometime in June 2009.

[3] In a June 12, 2009 letter, Carol Dage, the employing establishment's supervisory museum curator, accepted responsibility for not informing her staff about changes related to chemical use for aphid control. In an October 27, 2011 letter, she noted that silverfish traps used to prevent infestation in storage were provided by management and a subsequent conference call involving the regional IPM coordinator clarified the appropriate protocol.

[4] Mr. Wolcott also provided a November 4, 2011 statement, which essentially reiterated his earlier assertions.

[5] Mr. Villalva also provided a November 4, 2011 statement, which essentially reiterated his earlier assertions.